



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : August et al.  
TITLE : **AN INFORMATION AND COMMUNICATION SYSTEM**  
APPLICATION NO. : 09/653,810  
FILED : September 1, 2000  
CONFIRMATION NO. : 5991  
EXAMINER : Luu, Le Hien  
ART UNIT : 2141  
LAST OFFICE ACTION : March 24, 2006  
ATTORNEY DOCKET NO. : LUTZ 2 00034  
August 26-9-50

**PETITION FOR WITHDRAWAL OF  
RESTRICTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In a Final Office Action mailed March 24, 2006 in the above-referenced application, the Examiner withdrew added claim 18 pursuant to MPEP § 821.03, alleging that claim 18 is independent or distinct from the invention originally claimed. In response, Applicants filed on May 2, 2006 an after-final amendment including a traversal of the withdrawal of claim. Applicants are filing a Notice of Appeal and a Pre-Appeal Request for Review herewith, but have not yet filed an Appeal Brief. Accordingly, under 37 C.F.R. § 1.144 Petition of the Restriction Requirement is now timely.

Applicants petition for withdrawal of the restriction of claim 18.

### **Point to be reviewed**

This Petition for Withdrawal of Restriction is limited to the restriction of claim 18 which was added in Applicants Amendment C.

For convenience, a List of Pending Claims is appended to this Petition.

### **Brief Statement of Relevant Facts**

As presented in Applicants Amendment B, which was mailed on March 7, 2005, the application included 17 claims, claims 1 and 12 being independent. All the claims were drawn to an enterprise information and communication system.

As indicated in Applicants' Amendment C, which was mailed on November 23, 2005, on page 7, and in the Advisory Action which was mailed on June 14, 2006, claim 1 and possible amendments thereto were discussed in several telephone communications in July and August of 2005. In particular, subject matter from the specification was discussed relative to possible amendments to the recitation of a -- transaction management engine-- found in claim 1.

Accordingly, in Applicants' Amendment C, in response to the Non-Final Office Action mailed June 23, 2005, the applicants presented new claim 18, which was based on recitations found in claim 1 and subject matter from the specification that the applicants understand the Examiner to have identified as not being disclosed in the cited reference (Bull).

Subsequently, in a Final Office Action mailed March 24, 2006, newly submitted claim 18 was withdrawn from consideration by the Examiner for allegedly being independent or distinct from the invention originally claimed because of recitation in claim 18 related to the --transaction management engine--.

This assertion was traversed in Applicants' Amendment D, which was mailed on May 2, 2006. Additionally, Amendment D asserted that since claim 18 was not considered, the Final Office Action was not fully responsive. Accordingly, withdrawal of the finality of the rejection and reconsideration were requested.

Additionally, in order to further illustrate that the subject matter objected to by the Final Office Action was not independent or distinct from the subject matter originally claimed, new claim 19, reciting subject matter similar to that objected to in claim 18, was presented as a new dependent claim depending from claim 1. New claim 20, depending from new claim 19, was also presented in Applicants' Amendment D.

According to the Advisory Action mailed June 14, 2006, Applicants Amendment D was refused entry for including claims 19 and 20 because they were drawn to subject matter previously withdrawn. In a subsequent telephone conference, the Examiner indicated that Amendment D was also not entered because an amendment to claim 1 to include the phrase --designated by the user--, which was also presented in Applicants Amendment D, raised new issues.

The Advisory Action does not address Applicants traversal of the withdrawal of claim 18.

### **Traversal of the Withdrawal of Claim 18**

The Final Office Action asserts that newly submitted **claim 18** is independent or distinct from the invention originally claimed because of recitation related to a transaction management engine.

However, newly submitted **claim 18** and originally submitted **claim 1** both recite an enterprise information and communication system comprising *inter alia*: a transaction management engine operative to manage transaction information and move the transaction information to and from the database.

With regard to the recitation of a transaction management engine, **claim 18** differs from **claim 1** only in that **claim 18** further indicates that the management of transaction information includes at least one of sending electronic bill pay information, monitoring email traffic, preparing portions of expense vouchers, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of sessions and allowing a user to update an element.

In this regard, it is respectfully submitted that the portion of newly submitted **claim 18**, objected to by the Office Action as causing newly submitted **claim 18** to be independent or distinct from the invention originally claimed, could have been submitted as a dependent claim to **claim 1**, as was presented for the first time as new **claim 19** in Applicants' Amendment D.

In this regard, it is respectfully submitted that the transaction management engine recited in **claim 18** might be considered a combination including the subcombination of the transaction management engine of **claim 1**. Further in this regard, "where a combination as claimed sets forth the details of the subcombination as separately claimed, there is no evidence that the combination AB is patentable

without the details of B. Therefore, the inventions are not distinct and a requirement for restriction **must not be made** or maintained" (MPEP 806.05(C)).

Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation and effect (MPEP 806.06). Clearly, there is a disclosed relationship between **claim 18** and **claim 1**. Therefore, **claim 18** and **claim 1** are not independent.


Since **claim 18** and **claim 1** as originally filed are not independent or distinct, it is respectfully submitted that the restriction or withdrawal of **claim 18** is improper. Accordingly, reinstatement of **claim 18** and prosecution on the merits of **claim 18** are respectfully requested.

For at least the foregoing reasons, it is respectfully submitted that the withdrawal of claim 18 was improper and Applicants petition for withdrawal of the restriction of claim 18.

Although it is believed that no fee is due for this petition, please charge any additional fees/extensions of time which may be required, or credit any overpayment too deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH, & McKEE, LLP

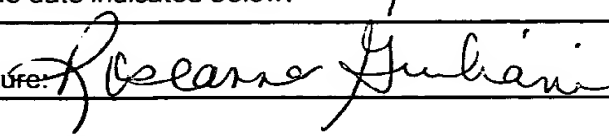


Joseph B. Dreher  
Reg. No. 37,123  
Thomas Tillander  
Reg. No. 47,334  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2518  
(216) 861-5582

July 24, 2006

Date

#### APPENDIX – List of Pending Claims

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input checked="" type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
Express Mail Label No.:	Signature: 
Date: July 24, 2006	Name: Roseanne Giuliani

N:\LUTZ200034\RLG0006344V001.doc

### **List of Pending Claims**

1. (Previously Presented) An enterprise information and communication system comprising:
  - at least one database;
  - a transaction management engine operative to manage transaction information and move the transaction information to and from the database;
  - an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others;
  - an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,
  - an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.
2. (Original) The enterprise information and communication system of claim 1 further comprising a profile manager operative to store and analyze information in the at least one database about the at least one user and about devices associated with the system.
3. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a time a management engine operative to maintain control of time sensitive events and information in the at least one database and to generate messages regarding time sensitive information.
4. (Previously Presented) The enterprise information and communication system of claim 1 further comprising an information translation engine operative to present information from and to accept information for the at least one database via the associated devices.
5. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a provisioning engine operative to accept, store and coordinate information and communication system configuration information.

6. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a control operative to negotiate and allocate information and communication system resources.

7. (Previously Presented) The enterprise information and communication system of claim 1 further comprising:

a central communications device operative to access the at least one database and at least one of the transaction management engine, access management engine, and for communicating with a local network.

8. (Previously Presented) The enterprise information and communication system of claim 7 further comprising:

a plurality of output devices linked to the central communications device.

9. (Previously Presented) The enterprise information and communication system of claim 7 further comprising:

a plurality of input devices linked to the central communications device.

10. (Previously Presented) The enterprise information and communication system of claim 8 wherein the plurality of output device further comprises:

at least one of a display, a monitor, a television, an audio speaker and speaker driving system, a computer, a palm top, a telephone, an electronic toy, a cell phone, a baby monitor and a lap top computer.

11. (Previously Presented) The enterprise information and communication system of claim 9 wherein the plurality of input device further comprises:

at least one of a keyboard, a microphone, a position sensor, a computer, a palm top, a telephone, an electronic toy, a cell phone, a refrigerator data pad, a baby monitor, a global positioning system receiver and a lap top computer.

12. (Previously Presented) An enterprise information and communications system comprising:

at least one database;

an information pusher operative to send information from the at least one database to at least one provisioned recipient based on at least one provisioned event;

an information puller operative to request information from other systems to be stored, at least temporarily in the at least one database

an information sender operative to supply information from the at least one database, requested in an information pull from outside the enterprise information system and,

an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system.

13. (Previously Presented) The enterprise information and communication system of claim 12 further comprising:

a central communications device operative to access the at least one database and for communicating with a local network.

14. (Previously Presented) The enterprise information and communication system of claim 13 further comprising:

a plurality of output devices linked to the central communications device via the local network.

15. (Previously Presented) The enterprise information and communication system of claim 13 further comprising:

a plurality of input devices linked to the central communications device via the local network.

16. (Previously Presented) The enterprise information and communication system of claim 14 wherein the plurality of output device further comprises:

at least one of a display, a monitor, a television, an audio speaker and speaker driving system, a computer, a palm top, a telephone, an electronic toy, a cell phone, a baby monitor and a lap top computer.

17. (Previously Presented) The enterprise information and communication system of claim 15 wherein the plurality of input device further comprises:

at least one of a keyboard, a microphone, a position sensor, a computer, a palm top, a telephone, an electronic toy, a cell phone, a refrigerator data pad, a baby monitor, a global positioning system receiver and a lap top computer.

18. (Withdrawn) An enterprise information and communication system comprising:

at least one database;

a transaction management engine operative to manage transaction information and move the transaction information to and from the database, the management of transaction information including at least one of sending electronic bill pay information to a vendor or service provider, monitoring email traffic in anticipation of an arrival of a bill, correlating a bill with calendar events, thereby associating the bill with an appropriate book keeping category, preparing portions of expense vouchers, allowing a user to group items together as a transaction, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of session together, using configuration management techniques to complete a view of a transaction and/or session element, providing a view of incomplete transactions to a user, allowing a user to update an element in a transaction and providing for the labeling of received messages as belonging to one or more transaction or one or more transaction type;

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information to which the at least one user and associates have shared access and to provide permission for accessing the at least one database;

an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.